Court No.2

Writ Petition No. 2998 (S/S) of 2001

Sri Vivek Malaviya ……. Petitioner

Versus

The Oil and Natural Gas Corporation Ltd.
And antoher ……. Respondents

Hon. P.C.Verma, A.C.J.
Hon. Irshad Hussain, J.

Heard Sri Rajendra Dobhal, learned counsel for the petitioner and Sri L. P. Naithani, Senior Advocate, learned counsel for the respondents.

This petition has been filed raising a grievance that some of the junior to the petitioners have been promoted w.e.f. 1989 while the petitioner has been promoted w.e.f. 1993 on the post of Assistant Engineer from the post of Junior Engineer. All the post of Assistant Engineers are to be filled by promotion. Fifty per cent (50%) are to be filled up from Junior Engineers and another fifty per cent (50%) are to be filled up by charge-men. The petitioner has no where stated in the writ petition that any person from the feeding cadre of the Junior Engineers or charge-men has been promoted to the post of Assistant Engineer w.e.f. 1989. Therefore, the seniority has to be reckoned as per rule while the promotion is to be made. There is no statement of fact in the writ petition that combined seniority list is prepared for J.E. and charge-men. Both are the feeding cadre. They are separate and independent cadres having their own seniority list. Rules permit promotion by seniority-cum-fitness. The grievance of the petitioner is misconceived and is hereby rejected.

The second grievance of the petitioner is that charge-man who were much junior to the petitioner would be placed in the seniority list of the Assistant Engineers much above the petitioner as they have been given promotion w. e. f. 1989. In reply to this, learned counsel for the O.N.G.C. submitted that the persons promoted from the charge-men cadre were appointed in the feeding cadre in the year 1983, while the petitioner was appointed in the feeding cadre in 1988 and thus the fixation has rightly been done. Without entering into this controversy, we direct the petitioner to make a representation to the respondent and the respondent shall dispose of the same in accordance with law within one month from the date of its receipt.

The petition is disposed of accordingly.

(Irshad Hussain, J.) (P.C.Verma, A.C.J.)

Dt. 17.07.2003
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